

AMENDED IN ASSEMBLY MAY 2, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1623

Introduced by Assembly Member Klehs

***(Coauthors: Assembly Members Evans, Hancock, Nation, and
Torrico)***

(Coauthor: Senator Figueroa)

February 22, 2005

An act to add Chapter 2.66 (commencing with Section 65089.20) to Division 1 of Title 7 of the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1623, as amended, Klehs. County transportation agencies: congestion management and environmental mitigation fee.

Existing law provides for the imposition by air districts and other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles.

This bill would authorize the Alameda County Congestion Management Agency, the Contra Costa Transportation Authority, the Transportation Authority of Marin, and the Napa County Transportation Planning Agency to impose an annual fee of up to \$5 on motor vehicles registered within those counties for a program for the management of traffic congestion and the mitigation of environmental impacts of motor vehicles within that county. The bill would require the agency to have an independent audit performed on the program and to provide its findings to the Legislature. The bill

would require a program with performance measures and a budget before the fee may be imposed. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the proceeds, after deduction of specified administrative costs, to the agency. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the motor vehicles paying the fee, and would require the agency to make a specified finding of fact by a $\frac{2}{3}$ vote. The fee would terminate on 10 years and 6 months after the effective date of the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.66 (commencing with Section
2 65089.20) is added to Division 1 of Title 7 of the Government
3 Code, to read:

4
5 CHAPTER 2.66. MANAGEMENT OF TRAFFIC CONGESTION AND
6 ENVIRONMENTAL MITIGATION OF TRANSPORTATION IN
7 ALAMEDA, CONTRA COSTA, MARIN, AND NAPA COUNTIES
8

9 65089.20. (a) As used in this chapter, “county transportation
10 agency” means the Alameda County Congestion Management
11 Agency, the Contra Costa Transportation Authority, the
12 Transportation Authority of Marin, and the Napa County
13 Transportation Planning Agency.

14 (b) A county transportation agency may impose a fee of up to
15 five dollars (\$5) on motor vehicles registered within the county if
16 the board of the county transportation agency adopts a resolution
17 providing for both the fee and a corresponding program for the
18 management of traffic congestion and the mitigation of the
19 impacts of motor vehicles on the environment as set forth in
20 Sections 65089.21 to 65089.24, inclusive. Adoption by the board
21 requires a vote of approval by board members representing
22 two-thirds of the population of the county.

23 (c) A fee imposed pursuant to this section shall not become
24 operative until six months after the effective date of this section
25 and pursuant to the resolution adopted by the board in
26 subdivision (b).

1 (d) The authority to impose the fee shall terminate 10 years
2 and six months after the effective date of this section.

3 65089.21. (a) The fees distributed to the county
4 transportation agency pursuant to Section 9250.4 of the Vehicle
5 Code shall be used for purposes of congestion management ~~as~~
6 ~~specified in~~ *consistent with the objectives of* Section 65089, and
7 for the purposes of the mitigation of the impacts of motor
8 vehicles on the environment.

9 (b) (1) The fees collected may be used to pay for programs
10 with a relationship or benefit to the motor vehicles that are
11 paying the fee.

12 (2) Prior to imposing the fee, the board of the county
13 transportation agency shall make a finding of fact by two-thirds
14 of the authorized vote of the board of that county transportation
15 agency that those programs bear a relationship or benefit to the
16 motor vehicles that will pay the fee.

17 (c) The purpose of the congestion management program is to
18 address motor vehicle congestion.

19 (d) Only the environmental mitigation programs that directly
20 address the negative impact motor vehicle usage has on the
21 environment, ~~such as including, but not limited to, air pollution,~~
22 ~~and pollution of stormwater runoff caused by motor vehicles and,~~
23 ~~or the infrastructure supporting motor vehicle travel,~~ are eligible
24 for funding.

25 (e) Not more than 5 percent of the fees distributed to the
26 county transportation agency shall be used by the association for
27 its administrative costs associated with the program.

28 65089.22. Prior to the imposition of the fee by the county
29 transportation agency, a specific program with performance
30 measures and a budget shall first be developed and adopted by
31 the county transportation agency at a noticed public hearing.

32 65089.23. The county transportation agency shall have an
33 independent audit performed on the specific program adopted
34 pursuant to Section 65089.22 with the review and report
35 provided to the board at a noticed public hearing.

36 65089.24. The county transportation agency shall provide a
37 report to the Legislature on the specific program adopted
38 pursuant to Section 65089.22 by July 1, 2011.

39 SEC. 2. Section 9250.4 is added to the Vehicle Code, to read:

1 9250.4. (a) The department shall, if requested by a county
2 transportation agency, collect the fee imposed pursuant to
3 Section 65089.20 of the Government Code upon the registration
4 or renewal of registration of any motor vehicle registered in the
5 county, except those vehicles that are expressly exempted under
6 this code from the payment of registration fees.

7 (b) A county transportation agency shall pay for the initial
8 setup and programming costs identified by the Department of
9 Motor Vehicles through a direct contract with the department.
10 Any direct contract payment by the county transportation agency
11 shall be repaid, with no restriction on the funds, to the county
12 transportation agency as part of the initial revenues distributed.
13 Regular Department of Motor Vehicles collection costs shall be
14 in accordance with subdivision (c). These costs shall not be
15 counted against the 5-percent administration cost limit specified
16 in subdivision (e) of Section 65089.21.

17 (c) After deducting all costs incurred pursuant to this section,
18 the department shall distribute the revenues to the county
19 transportation agency.

20 (d) As used in this section, “county transportation agency”
21 means the Alameda County Congestion Management Agency,
22 the Contra Costa Transportation Authority, the Transportation
23 Authority of Marin, and the Napa County Transportation
24 Planning Agency.